

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-CR-49**

UNITED STATES OF AMERICA,)
)
v.) ORDER
)
JUVE MARKIE LEQUAN MCALPIN,)
)
Defendant.)
)

This matter is before the Court on a Motion to Quash Subpoena (“Motion to Quash,” Doc. 30) filed by the Buncombe County Department of Health and Human Services (“Department”).

On February 18, 2022, the Court granted an Ex Parte Application (the “Application”) that requested the issuance of a subpoena duces tecum for information pertaining to Defendant. Docs. 25, 27.

The Department filed the Motion to Quash on March 10, 2022 and attached a copy of a subpoena dated February 22, 2022 (Doc. 30-1) which is presumably the subject of the Motion. The Department also submitted three (3) compact discs.¹

Neither Defendant nor the Government has made any filings relative to

¹ From the affidavit (Doc. 30-2) of the records custodian, Shea Johnson, the undersigned understands that these discs contain records pertaining to the third-party erroneously identified by the subpoena. As the content of that information is not relevant to the Court’s ruling, the undersigned has not reviewed those materials.

the Motion to Quash.

The subject subpoena (Doc. 30-1) seeks documents pertaining to an individual other than Defendant. As the Application did not seek this information, and as the Court in its prior Order did not authorize the issuance of a subpoena for this information, the Motion to Quash will be allowed.

IT IS THEREFORE ORDERED THAT the Motion to Quash Subpoena (Doc. 30) is **GRANTED**, and the subject subpoena (Doc. 30-1) is **QUASHED**. The Clerk's office is respectfully **DIRECTED** to return the compact discs to the Department.

Signed: March 14, 2022



W. Carleton Metcalf
United States Magistrate Judge

